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**FACSIMILE COVER SHEET**

Date: **September 20, 1999**

To: **Fred Silverberg, Special Program  
Law Office of the Office of the  
Deputy Assistant Commissioner  
for Patent Policy and Projects**

Fax No: **1 703 308 6916**

From: **William A. Webb**  
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Client No: **5050/296**

Serial No.: **08/746,360**

No. of Pages  
(inc. this page): **4**

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William A. Webb, Reg. No. 28,277  
Name of applicant, assignee or Registered Representative  
Signature William  
9-20-99  
Date of Signature

Our Case No. 5050/296

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Petition Under Rule 37 C.F.R. )  
§ 1.292 For The Institution Of A Public Use )  
Proceeding Related To Application Of Ted )  
Christopher ) Attention: Fred Silverberg, Special  
Serial No. 08/746,360 ) Program Law Office of the  
Filing Date: ) Office of the Deputy  
For FINITE AMPLITUDE DISTORTION- ) Assistant Commissioner  
BASED INHOMOGENEOUS ) for Patent Policy and  
PULSE ECHO ULTRASONIC ) Projects  
IMAGING )

## **SUMMARY OF ARGUMENT**

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

Dear Sir.

At the preliminary hearing in this matter, petitioner Acuson Corporation ("Acuson") argued that the present public use petition should be granted without reconsideration of the Examiner's findings. Acuson submits that the following points argue against any reconsideration at this time.

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**1. Due Process Does Not Require Reconsideration At This Stage**

At present, no claims have been rejected based on the facts alleged in the petition. The only determination that has been made is that the facts alleged in the petition warrant the institution of a public use proceeding. If a public use proceeding is declared and rejections are later imposed based on facts established in the public use proceeding, applicant will at that time have full rights of appeal.

**2. The Requested Public Use Proceeding Will Not Be Unduly Burdensome On PTO Resources**

The public use procedure outlined in the MPEP imposes a small burden on PTO resources: a schedule is set and briefs are received. The Examiner's findings make it clear that this allocation of resources is warranted here.

Respectfully submitted,



William A. Webb  
Registration No. 28,277

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2

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served by facsimile on this 20 day of September, 1999 to John Sensny, Esq. at Scully Scott Murphy & Presser at facsimile number (516) 742-4366.

This 20 day of September, 1999.

By:

  
William A. Webb

3

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